

# **PETITION FOR ZONING VARIANCE** 85-166-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part of, hereby petition for a Variance from Section 1802.3.A (211.4) to permit a rear yard setback of 25 feet in lieu of the required 30 feet.

- of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
1. To construct a two story addition consisting of a family room and a bedroom.
  2. The extra bedroom, along with the four existing bedrooms, is needed to accommodate seven people. A grandmother, father, mother, three teenage daughters, and one teenage son. At present, three teenaged daughters must share a small bedroom which creates a hardship, and not the best environmental living conditions.
  3. The family room is to serve as a gathering place for the family.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: N/A  
(Type or Print Name)

Signature: \_\_\_\_\_

Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
(Type or Print Name)

Signature: \_\_\_\_\_

Address: 322 Cranbrook Road Phone No. 366-7286  
City and State: Cockeysville, Maryland 21030

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:  
C. Calvin Jefferson, Jr.  
Address: 322 Cranbrook Road Phone No. 366-7286  
City and State: Cockeysville, Md. 21030

Attorney's Telephone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of October, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of December, 1984, at 10:15 o'clock A.M.

*C. Calvin Jefferson, Jr.*  
Zoning Commissioner of Baltimore County.

(over)

## **BALTIMORE COUNTY** **ZONING PLANS** **ADVISORY COMMITTEE**



### **PETITION AND SITE PLAN** **EVALUATION COMMENTS**

MICROFILMED

## **BALTIMORE COUNTY, MARYLAND**

### **INTER-OFFICE CORRESPONDENCE**

Arnold Jablon,  
TO: Zoning Commissioner  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
SUBJECT: Zoning Petitions No. 85-165-A,  
85-166-A and 85-169-A  
Date: December 10, 1984

There are no comprehensive planning factors requiring comment on these petitions.

*Norman E. Gerber*  
Norman E. Gerber  
Director

NEG:JGH:bjs

## **BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE** December 5, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. and Mrs. C. Calvin Jefferson, Jr.  
322 Cranbrook Road  
Cockeysville, Maryland 21030

RE: Item #110, Case No. 85-166-A  
C. Calvin Jefferson, Jr., et ux-Petitioners  
Variance Petition

Dear Mr. and Mrs. Jefferson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

85-156-A

## **BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 30th day of October, 1984.

*Arnold Jablon*  
ARNOLD JABLON  
Zoning Commissioner

Petitioner C. Calvin Jefferson, et ux Received by Nicholas B. Commodari  
Petitioner's Attorney Nicholas B. Commodari  
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.  
DIRECTOR

November 26, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #110 (1984-1985)  
Property Owner: C. Calvin Jefferson, Jr., et ux  
N/W cor. Cranbrook Rd. and Wickersham Way  
Acres: Lot #2, Blk. E, Ramsgate, Book 31  
Police 31  
District: 8th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

### **General Comments:**

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Very truly yours,

*James R. Markle, P.E.*  
JAMES R. MARKLE, P.E., Chief  
Bureau of Public Services

JAM:EAM:PMO:ss

BALTIMORE COUNTY  
DEPARTMENT OF PLANNING AND ZONING  
TOWSON, MARYLAND 21204

NORMAN E. GERBER  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 10/30/84  
Item # 110  
Property Owner: C. Calvin Jefferson, Jr., et ux  
Location: NW Cor. Cranbrook Rd. & Wickersham Way

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable:

- (X) There are no site planning factors requiring comment.
- (X) A County Review Group Meeting is required.
- (X) A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ( ) This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- (X) A record plat will be required and must be recorded prior to issuance of a building permit.
- (X) The access is not satisfactory.
- (X) The circulation on this site is not satisfactory.
- (X) The parking arrangement is not satisfactory.
- (X) Parking calculations must be shown on the plan.
- (X) This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- (X) Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- (X) Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- (X) The amended Development Plan was approved by the Planning Board.
- (X) Landscaping should be provided on this site and shown on the plan.
- (X) The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- (X) The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments:

*Eugene A. Boer*  
Eugene A. Boer  
Chief, Current Planning and Development

cc: James Housell

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204

STEPHEN E. COLLINS  
DIRECTOR

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 109, 110, 112, 113, 114, and 116 ZAC- Meeting of October 30, 1984  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 109, 110, 112, 113, 114, and 116.

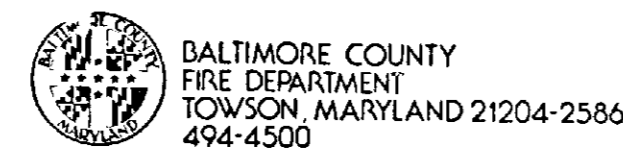
*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineering Assoc. II

MEF/cdm

*Jefferson*  
12/17  
85-166-A

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit



PAUL H. REINCKE  
CHIEF

November 7, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: C. Calvin Jefferson, et ux

Location: NW/Cor. Cranbrook Road and Wickersham Way

Item No.: 110 Zoning Agenda: Meeting of 10/30/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_

EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

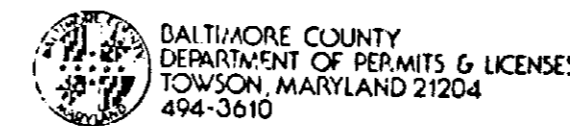
(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *[Signature]* Noted and Approved: *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb



TED ZALESKI, JR.  
DIRECTOR

November 5, 1984

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #110 Zoning Advisory Committee Meeting are as follows:

Property Owner: C. Calvin Jefferson, Jr., et ux  
Location: NW/Cor. Cranbrook Road and Wickersham Way  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a rear yard setback of 25' in lieu of the required 30'.

Acres: Lot #2, Blk. E "Raragata" Book 31 Folio 33  
District: 8th.

The items checked below are applicable:

( ) All structures shall conform to the Baltimore County Building Code 1981/Council 1111 L-22 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

(X) A building/ & other miscellaneous

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. In exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 1101 and Table 1102, also Section 503.2.

F. Requested variance appears to conform to the Baltimore County Building Code, Section/s \_\_\_\_\_

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

I. Comments \_\_\_\_\_

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

*[Signature]*  
Charles E. Burman, Chief  
Plans Review

CEL:es

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
NW Corner of Cranbrook Rd. : OF BALTIMORE COUNTY  
and Wickersham Way (322 :  
Cranbrook Rd.), 8th Dist. : Case No. 85-166-A  
C. CALVIN JEFFERSON, JR., :  
et ux, Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*[Signature]*  
Phyllis Cole Friedman

Phyllis Cole Friedman  
People's Counsel for Baltimore County

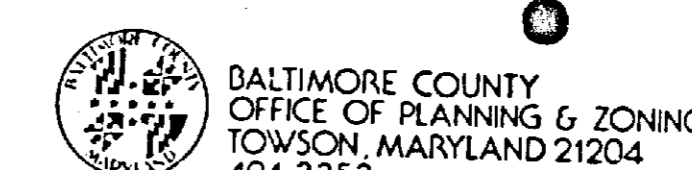
*[Signature]*  
Peter Max Zimmerman

Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 13th day of December, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. C. Calvin Jefferson, Jr., 322 Cranbrook Rd., Cockeysville, MD 21030, Petitioners.

*[Signature]*  
Peter Max Zimmerman

Peter Max Zimmerman



ARNOLD JABLON  
ZONING COMMISSIONER

December 10, 1984

Mr. and Mrs. C. Calvin Jefferson, Jr.  
322 Cranbrook Road  
Cockeysville, MD 21030

RE: Petition for Variance  
NW/Cor. Cranbrook Rd. and Wickersham Way  
(322 Cranbrook Road)  
C. Calvin Jefferson, Jr., et ux - Petitioners  
Case No. 85-166-A

Dear Mr. and Mrs. Jefferson:

This is to advise you that \$48.44 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 003132

DATE: Dec. 17, 1984 ACCOUNT: 85-166-A-1

AMOUNT: \$48.44

RECEIVED FROM: *[Signature]*

FOR: *[Signature]* Case # 85-166-A

0 071\*\*\*\*\*250018 8174F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

85-166-A  
11/08/84

District: 8th Date of Posting: 11/23/84

Posted for: *[Signature]*

Petitioner: C. Calvin Jefferson, Jr., et ux

Location of property: NW/Cor. Cranbrook Rd. & Wickersham Way

322 Cranbrook Rd. 71030

Location of Sign: *[Signature]* 12' E. of W. Way, E. of W. Way

Remarks: *[Signature]*

Posted by: *[Signature]* Date of return: 11/29/84

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 29 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on November 29 1984.

THE JEFFERSONIAN,

*[Signature]*  
Publisher

85-166-A

Cost of Advertising 18.00

CERTIFICATE OF PUBLICATION

85-166-A

Towson, Md. 12/27 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for first publication appearing on the 28th day of Nov 1984.

The TOWSON TIMES

Cost of Advertisement: \$ 25.44

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 134314

DATE: 12/17/84 ACCOUNT: 85-166-A-1

AMOUNT: \$35.00

RECEIVED FROM: *[Signature]*

FOR: *[Signature]* Case # 85-166-A

0 071\*\*\*\*\*250018 8174F

VALIDATION OR SIGNATURE OF CASHIER

Located on the northwest corner of Cranbrook Road & Wickersham Way and known as Lot No. 12 as shown on Plat of Ramsgate which is recorded in Land Records of Baltimore County in Liber 31, Folio 33. Also known as No. 322 Cranbrook Road.

PETITION FOR VARIANCE  
8th Election District

LOCATION: Northwest corner of Cranbrook Road and Wickersham Way (322 Cranbrook Road)

DATE AND TIME: Monday, December 17, 1984 at 10:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

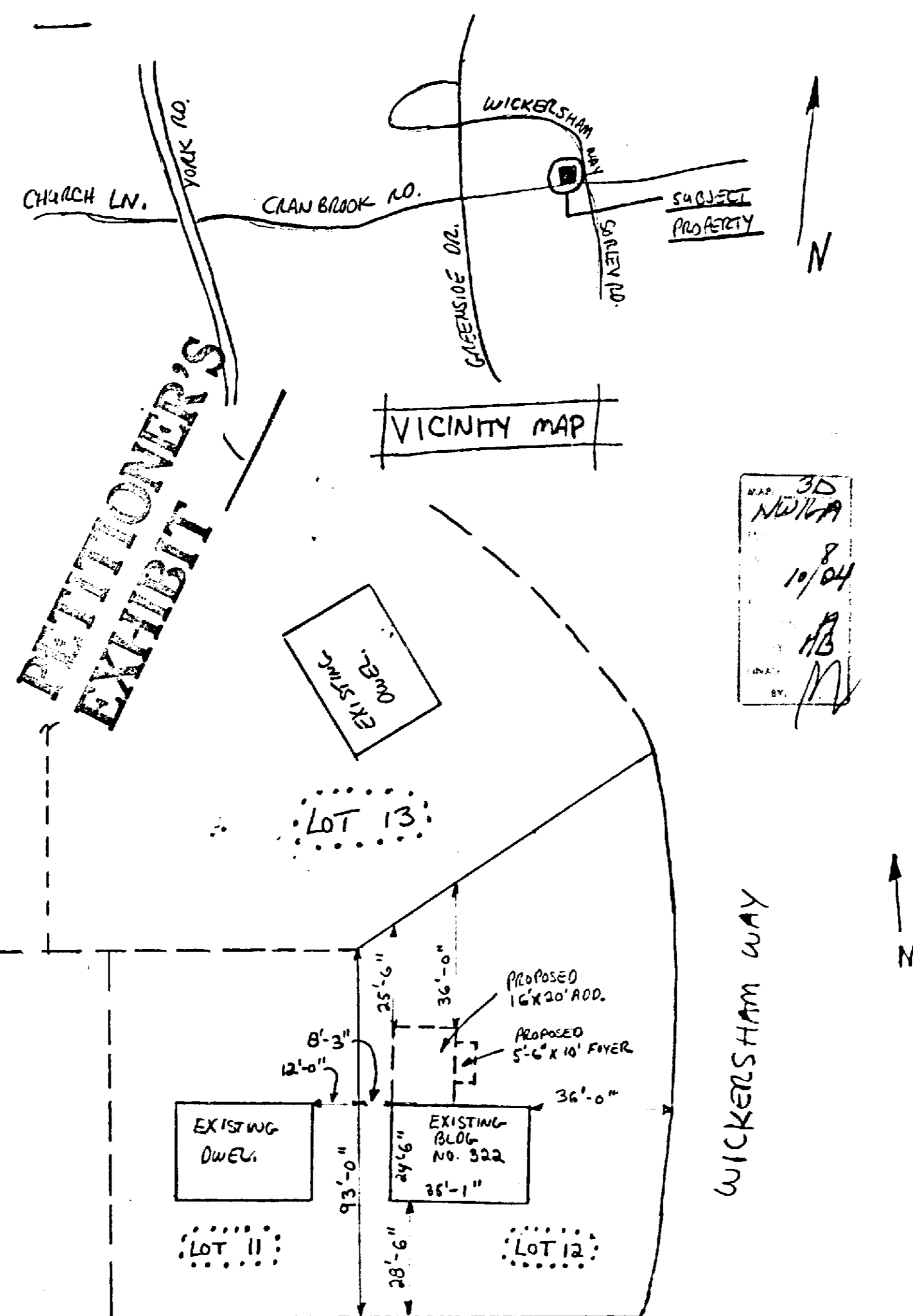
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a rear yard setback of 25 feet in lieu of the required 30 feet.

Being the property of C. Calvin Jefferson, Jr., et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY



CRANBROOK RD.

PLAT FOR ZONING VARIANCE  
OWNERS- C. CALVIN & MARY LOUISE JEFFERSON  
DISTRICT- 8 ZONED D.R. S.S.  
SUBDIVISION- RAMSGATE, A SECTION OF MONTAUXE  
LOT 12, BLK E, BOOK NO. 31, FOLIO 33.  
EXISTING UTILITIES IN CRANBROOK RD.  
SCALE: 1" = 30'-0"

IN RE: PETITION ZONING VARIANCE  
NW corner of Cranbrook Road  
and Wickersham Way  
(322 Cranbrook Road) -  
8th Election District  
C. Calvin Jefferson, Jr.,  
et ux,  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 85-166-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 25 feet instead of the required 30 feet in order to construct an addition to their home, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, C. Calvin Jefferson, Jr., appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R. S.S., is improved with the Petitioners' residence. They propose to construct a 16' x 20' two-story addition to the rear of their home with a 5 1/2' x 10' entrance foyer. There are three teenage daughters sharing one bedroom, a teenage son, Mrs. Jefferson's mother, and the Petitioner presently living at home, and the need for additional space is self-evident. The proposed addition will contain a family room on the first floor and a bedroom with a bath on the second floor.

The subject property is located on the corner of Wickersham Way and Cranbrook Road with the home facing Cranbrook Road. The rear property line runs at a severe angle which necessitates this variance inasmuch as the proposed addition will be 25 feet from the property line at the left end of the addition and 36 feet at the right end. The Petitioners have discussed the proposal with their neighbors and there are no objections.

The Petitioners seek relief from Section 1802.3.B, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

A residence constructed on a corner lot or on a lot adjacent to a side street where the house faces in a direction other than towards the side street must have the same side yard setback as the front yard setback required for that zone. See Section 211.3, 1953 Zoning Regulations; In the Matter of Char-del, Inc., Case No. 85-357-A.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is determined that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirements the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 18 day of December, 1984, that the Petition for Zoning Variance to permit a rear yard setback of 25 feet instead of the required 30 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

*[Signature]*  
Zoning Commissioner of  
Baltimore County

AJ/srl

cc: Mr. & Mrs. C. Calvin Jefferson, Jr.

People's Counsel

ORDER RECEIVED FOR FILING

DATE December 17, 1984

BY *[Signature]*